

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DYSON TECHNOLOGY LIMITED)	
and DYSON, INC.,)	
	Plaintiffs,	
v.)	Civil Action No. 05-434 GMS
)	
MAYTAG CORPORATION,)	
)	
	Defendant.	

**AFFIDAVIT OF JOSH GOLDBERG IN SUPPORT OF DEFENDANT MAYTAG
CORPORATION'S MOTION FOR LEAVE TO FILE A SECOND AMENDED
ANSWER, AFFIRMATIVE DEFENSES AND SUPPLEMENTAL COUNTERCLAIMS**

I, JOSH GOLDBERG, being duly sworn, hereby depose and say:

1. I am an attorney for Maytag Corporation ("Maytag"), defendant/counter-plaintiff in the above matter. I have had significant involvement in reviewing and organizing the documents produced to Maytag from Dyson Technology Limited and Dyson, Inc. ("Dyson") pursuant to Maytag's requests for the production of documents. I have personal knowledge of the facts below and submit this affidavit in support of Maytag's motion for leave to file a second amended answer, affirmative defenses and supplemental counterclaims.

2. In late 2005, Maytag served its first request for the production of documents on Dyson. The first request called for "Documents sufficient to show the ownership and control of Plaintiffs, including but not limited to the identity of the manager, directors and officers of Plaintiffs, and the managers, directors and officers of Plaintiff's engineering, legal, marketing, research and development, and sales operations since 2000." "Plaintiff" in the document request was defined as "each of Plaintiffs, Dyson Technology Limited and Dyson, Inc., *their parents, subsidiaries and affiliated companies, predecessors-in-interest*, and all past and present officers, employees, directors, agents, accountants, investigators, attorneys, and/or other representatives or persons authorized on their behalf." (emphasis added). Attached hereto as Exhibit A is a true and correct copy of Maytag's First Request for Production of Documents.

3. On October 27, 2006, Dyson produced to Maytag a single organization chart, Bates labeled DYS358942, that purportedly showed the current ownership and control of Dyson. Maytag did not discover the lone document until several weeks later while reviewing the tens of thousands of pages of documents Dyson produced from late October until now.

4. From the date of service of the above document request until late October 2005, Maytag had received only outdated organizational charts from Dyson, but not any documents showing the ownership and control of Dyson, despite the fact that the parties have exchanged hundreds of thousands of pages of documents during discovery.

5. Maytag has supplemented its responses to Dyson's document requests on a regular basis. However, Dyson did not start producing the majority of its documents until October 25, 2006. For example, Dyson produced more than 14,000 pages of materials on October 25, more than 25,000 pages on October 27, more than 18,000 pages on November 2, and more than 34,000 pages on November 3.

6. Aside from the patent deposition of James Dyson on September 27, 2006, depositions in this case began in earnest on October 27, 2006 – two days after Dyson began the bulk of its document production.

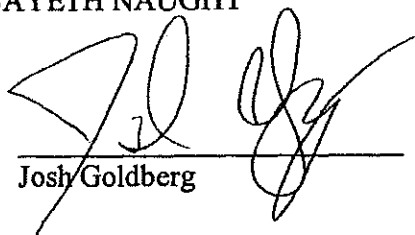
7. Attached hereto as Exhibit B are true and correct copies of correspondences from counsel for Dyson regarding Dyson's document production to Maytag.

8. Attached hereto as Exhibit C are true and correct copies of excerpts from the November 8, 2006 deposition of James Dyson.

9. Attached as Exhibit D are true and correct copies of excerpts from the November 2, 2006 deposition of Martin McCourt.

10. Attached as Exhibit E is a true and correct copy of DYS358942, produced by Dyson.

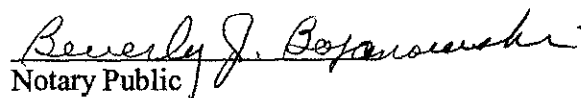
FURTHER AFFIANT SAYETH NAUGHT


Josh Goldberg

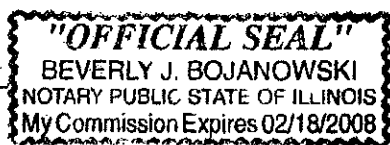
County of Cook

State of Illinois

Sworn to and subscribed in my presence this 28th day of November, 2006


Notary Public

SEAL



CERTIFICATE OF SERVICE

I, Francis DiGiovanni, hereby certify that on November 28, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on November 28, 2006, I caused a copy of the foregoing document to be served by hand delivery and e-mail on the above-listed counsel of record, and by e-mail and first class mail on the following counsel of record:

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